

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

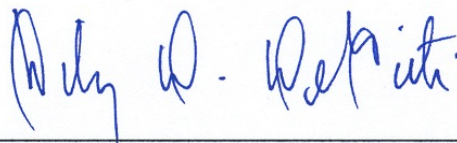
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CR-00-49-D
)	
BILLY DWIGHT SMITH, JR.,)	
)	
Defendant.)	

ORDER

On December 21, 2016, the government filed its Advisement of Supplemental Authority [Doc. No. 106], regarding a recent Tenth Circuit decision addressing an issue raised by Defendant's pending § 2255 motion [Doc. No. 96] under *Johnson v. United States*, 135 S. Ct. 2551 (2015). The government's filing is not a notice of supplemental authority permitted by LCvR7.1(m); it contains additional argument and constitutes an unauthorized supplemental brief. Under the circumstances, however, the Court declines to strike the government's brief and, instead, permits Defendant to file a supplemental reply brief.

IT IS THEREFORE ORDERED that Defendant is authorized to file a reply brief addressing the government's Advisement of Supplemental Authority, which brief shall not exceed 7 pages in length, within 21 days of this date.

IT IS SO ORDERED this 9th day of January, 2017.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE